IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 624 OF 2005
IN
WRIT PETITION NO. 1760 OF 2005

Sagar Nagar Welfare Association
and others. ... Petitioners

Versus.

Slum Rehabilitation Authority
and others. ... Respondents.

Shri Mihir Desai for the Petitioners.

Ms.Akanksha R.Uchilkar i/by M/s.Utangale & Co.for the Respondent No.1.

Ms.Aruna Savle for Respondent No.2.

Shri S.G.Surana with Shri Omkar Warange i/by M/s.Shaunak Satpute for Respondent No.3.

Shri Parvez Kureshi of the Petitioners is present.

Shri M.B.Jagdale, Sr.Colony Officer of the Municipal Corporation is present.

CORAM : H.L.GOKHALE, &
ABHAY S. OKA, JJ.

DATED : 3rd FEBRUARY, 2006.

P.C.:

1. Heard Shri Surana in support of this Motion.

The Motion seeks a prayer that Respondent No.2 Municipal Corporation should permit shifting of eligible hutment dwellers, whose names are duly verified by the Corporation. This prayer is made on the footing that one building for rehabilitation of 170 tenements is ready. Shri Surana states that there are number of societies of the occupants on the concerned plot of land and the occupants of Sindhu Cooperative Housing Society

are required to be shifted to this building.

2. We are told that in pursuance of the order which the Division Bench passed earlier on 21st June 2005 disposing of the petition, the Municipal Corporation was to verify as to whether some of the occupants are non-eligible. The Petitioners represented by Shri Mihir Desai were to submit their list. Ms.Savala appearing for the Municipal Corporation states that a letter was written to the Advocate for the Petitioner to give documents to justify their objections. Such documents were not given. He had given a list along with letter dated 27th October 2005. That list is handed over to Ms.Savala in Court. Shri Desai states that the Petitioners are objecting to the eligibility of the persons whose names are listed. In this list objection is only to four persons from Sindhu Society i.e. Alu Urfat Aful Sad, Afzal Ahmed Azmi, Salza Pahna, and Arfat Asad Khan. One Shri Parvez representing the 1st Petitioner, who is instructing Shri Desai, may visit the office of Shri Jagdale, Senior Colony Officer of the Municipal Corporation on Wednesday 8th February 2005 between 11 and 12 a.m. and if he has any documents to object to the inclusion of the above persons, he may tender them. It is stated that these persons do not stay in the concerned hutment colony. Shri Parvez is at liberty to take the Officer to the concerned area and point out that at the particular huts these persons are

not residing. After this exercise is done Shri Jagdale will make a report to the Assistant Commissioner and the Assistant Commissioner will draw a list of persons to be allotted as per their seniority in the list of Sindhu Society. We expect the Assistant Commissioner to complete this exercise within one week after receiving the report of Shri Jagdale.

3. As far as shifting of these occupants are concerned, the Municipal Officers will assist the officers of Respondent No.3 in shifting and thereafter the area occupied by the concerned hutment will be cleared and handed over to Respondent No.3 for constructing further rehabilitation building.

4. There are objections to the other occupants also. It will be open to Shri Parvez to tender documents and request Shri Jagdale to visit the site. This exercise will be completed by 15th March 2006 and the list will be finalised by the Assistant Commissioner.

5. Motion stands disposed of.

(H.L.Gokhale, J.)

(Abhay S.Oka, J.)